

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 29 2006

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

JAMES W. McCORMACK, CLERK
DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

DIVISION

CASE NO. 4:06 CW 1635 JH/HBY

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff: KENNETH KILGORE
ADC # 550986

Address: _____

Name of plaintiff: _____
ADC # _____

Address: _____ This case assigned to District Judge _____
and to Magistrate Judge _____

Name of plaintiff: _____
ADC # _____

Address: _____

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: DR. HALE

Position: PHYSICIAN FOR GARLAND CO. DETENTION CENTER

Place of employment: _____

Address: 525 Ouchita Hot Springs AR 71901

Name of defendant: _____

Position: _____

Place of employment: _____

Address: _____

Name of defendant: _____

Position: _____

Place of employment: _____

Address: _____

Name of defendant: _____

Position: _____

Place of employment: _____

Address: _____

II. Are you suing the defendants in:

- ☐ official capacity only
☐ personal capacity only
☒ both official and personal capacity

III. Previous lawsuits

- A Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

- ☐ Court (if federal court, name the district; if state court, name the county):

- ☐ Docket Number: _____
- ☐ Name of judge to whom case was assigned: _____
- ☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
- ☐ Approximate date of filing lawsuit: _____
- ☐ Approximate date of disposition: _____

IV. Place of present confinement: _____

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

_____ in jail and still awaiting trial on pending criminal charges

_____ serving a sentence as a result of a judgment of conviction

☒ in jail for other reasons (e.g., alleged probation violation, etc.)

explain: PROBATION VIOLATION waiting to
go to D.C.C.

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No ☐

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No ☐

If not, why? _____

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On March 22, 2006, I was in the care of Garland county on a probation violation and I put in to see the nurse about a rash and get back on my medicine (trazedone) so I can sleep. He (the nurse) looked at the rash and said it looked like hemorrhoids. April 17, 2006 DR. Hale agreed to replenish my script for trazedone and without inspecting for hemorrhoids proceeded to treat me for them. I told them repeatedly that it was probably a bacterial rash which left a boil the size of a quarter between my rectum and testicles which I went to St. Joseph's Hospital to get lanced and they told me it was a bacterial rash. The Specialist said there was no signs of internal or external hemorrhoids there. Finally on June 15, 2006 DR. Hale admitted that they were wrong about the hemorrhoids that it was an infection and denied me seeing a specialist saying "There is not a specialist in Hot Springs for you to see."

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'd like my Hospital bill paid for, Account Balance of -411.11
pain & suffering for Malpractice and misdiagnosis.

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 8 day of NOVEMBER, 2006.

Kenneth "Marvin" Kilgore JR
Kenneth "Marvin" Kilgore Dr.

Signature(s) of plaintiff(s)